

On June 12, 1933, the United States attorney for the District of New Mexico, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 9½ dozen packages of Medicinal Condition Powder at Las Vegas, N.Mex., alleging that the article had been shipped in interstate commerce, on or about August 15, 1932, by the J. H. McLean Medicine Co., from St. Louis, Mo., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of plant material, including fenugreek, and small proportions of an iron compound and phosphates, and a trace of strychnine.

It was alleged in the libel that the article was misbranded in that the following statements appearing in the labeling, regarding the curative and therapeutic effects of the article, were false and fraudulent: (Carton) "For Horses: Loss of appetite, Loss of Flesh, Hide Bound, Coughs, Colds, * * * For Distemper, Pink Eye, Kidney Troubles, Epizootic, * * * If the animal is sick and will not eat, * * * For Hogs, Sheep or Goats: To prevent disease give to each animal one heaping tablespoonful once a day. If diseased give one heaping tablespoonful twice a day. * * * If the fowls will not eat"; (circular) "For Horses: Loss of Appetite, Loss of Flesh, Hide Bound, Coughs, Colds, * * * For Distemper, Pink Eye, Kidney Troubles and Epizootic, * * * For Hogs, Sheep or Goats: To prevent disease, give to each animal one heaping tablespoonful once a day. * * * If the fowls will not eat * * * For Sore Throat, Roup and Canker: * * * In the food use the Condition Powder regularly, allowing one heaping tablespoonful to every five fowls. For Diarrhea: Put a small quantity of Condition Powder into the mouth * * * For Chicken-Cholera and Gapes." (Similar statements in Spanish appear on carton and circular.)

On July 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21242. Misbranding of Alberty's Anti-Diabetic Vegetable Compound Capsules. U. S. v. 34 Boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules. Default decree of destruction. (F. & D. no. 30539. Sample no. 41209-A.)

Examination of the drug product involved in this case disclosed that it contained no ingredient or combination of ingredients capable of producing the curative and therapeutic effects implied by the statement "Anti-Diabetic."

On May 29, 1933, the United States attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 34 boxes of Alberty's Anti-Diabetic Vegetable Compound Capsules at Minneapolis, Minn., alleging that the article had been shipped in interstate commerce, on or about April 5, 1933, by Alberty Food Laboratories, from Hollywood, Calif., and charging misbranding in violation of the Food and Drugs Act as amended.

Analysis of a sample of the article by this Department showed that it consisted essentially of powdered plant material including leaf, stem, and root tissues, and possibly a fruit or seed tissue.

It was alleged in the libel that the article was misbranded in that the statement regarding its curative or therapeutic effect, "Anti-Diabetic", was false and fraudulent.

On July 31, 1933, no claimant having appeared for the property, judgment was entered ordering that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21243. Misbranding of mineral oil. U. S. v. 45 Bottles of Russian Mineral Oil. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 29995. Sample no. 35907-A.)

This case involved a shipment of a product represented to be high grade Russian mineral oil, which in fact consisted of a low-grade mineral oil containing a considerable amount of carbonizable substances.

On March 31, 1933, the United States attorney for the Western District of Michigan, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 45 bottles of Russian mineral oil at Grand Rapids, Mich., alleging that the article had been shipped in

interstate commerce, on or about February 22, 1933, by the Mills Sales Co., from Chicago, Ill., and charging misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Imported Russian Mineral Oil."

It was alleged in the libel that the article was misbranded in that the name "Mineral Oil" was false and misleading, since it was intended to create the impression that the article was liquid petrolatum as defined and described in the United States Pharmacopoeia, whereas it was not. Misbranding was alleged for the further reason that the statements, "This Russian Mineral Oil * * * is of the best grade" and "This mineral oil is guaranteed to meet the highest standard of Medicinal Products", were false and misleading, since the article was not of the best grade, and did not meet the highest standard of medicinal products.

On July 6, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21244. Adulteration and misbranding of oil of lavender. U. S. v. 24 Bottles of Oil of Lavender. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30414. Sample no. 37487-A.)

This case involved a shipment of a product represented to be oil of lavender of pharmacopoeial standard, which fell below the standard laid down in the United States Pharmacopoeia for oil of lavender, in that it yielded 5.88 percent of esters calculated at linalyl acetate, that its odor was not characteristic of lavender flowers, that it was not soluble in three volumes of 70-percent alcohol, that its specific gravity at 25° C. was 0.898, that its refractive index at 20° was 1.4726 and that when tested by the method described in the pharmacopoeia for acetins 4.45 cubic centimeters of half-normal hydrochloric acid was required for neutralization; whereas the pharmacopoeia provides that oil of lavender yield not less than 30 percent of esters calculated as linalyl acetate, that it have the characteristic odor of lavender flowers, that it be soluble in three volumes of 70-percent alcohol, that its specific gravity at 25° be not more than 0.888, that its refractive index at 20° be not more than 1.464, and that when tested by the method described in the pharmacopoeia for acetins not less than 4.7 cubic centimeters of half-normal hydrochloric acid be required for neutralization.

On May 8, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 24 bottles of oil of lavender at Perry Point, Md., alleging that the article had been shipped in interstate commerce on or about April 20, 1933, by James Good, Inc., from Philadelphia, Pa., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Oil of Lavender, U. S. P."

It was alleged in the libel that the article was adulterated in that it was sold under a name recognized in the United States Pharmacopoeia, and differed from the standard of strength, quality, and purity as determined by the test laid down in the said pharmacopoeia, and its own standard was not stated upon the container.

Misbranding was alleged for the reason that the statement on the label, "Oil of Lavender, U. S. P.," was false and misleading, and for the further reason that the article was an imitation of and was offered for sale under the name of another article.

On July 13, 1933, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

M. L. WILSON, *Acting Secretary of Agriculture.*

21245. Misbranding of Astra Asthma Relievers. U. S. v. 143 Packages of Astra Asthma Relievers. Default decree of condemnation, forfeiture, and destruction. (F. & D. no. 30046. Sample no. 30418-A.)

Examination of the drug preparation, Astra Asthma Relievers, disclosed that the article contained no ingredient or combination of ingredients capable of producing certain curative and therapeutic effects claimed in the labeling.

On April 4, 1933, the United States attorney for the District of Maryland, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 143 packages of Astra Asthma Relievers at Baltimore, Md., alleging that the article had been shipped in